

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SOLAS OLED LTD.,

Plaintiff,

v.

DELL INC.,

Defendants.

Case No. 6:19-cv-00514-ADA

SOLAS OLED LTD.,

Plaintiff,

v.

GOOGLE LLC,

Defendants.

Case No. 6:19-cv-00515-ADA

SOLAS OLED LTD.,

Plaintiff,

v.

APPLE INC.,

Defendants.

Case No. 6:19-cv-00537-ADA

[PROPOSED] SCHEDULING ORDER

On January 6, 2020, the Court conducted a conference in the above entitled and numbered cases. All parties appeared through counsel. As a result of such hearing, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of these matters:

Deadline	Item
Tuesday, December 24, 2019	Plaintiff serves preliminary infringement contentions ¹ in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
Tuesday, January 21, 2020	Deadline for Motions to Transfer
Thursday, April 9, 2020	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe. With respect to U.S. Patent No. 6,072,450 (“the ’450 patent”), Defendant shall produce summary annual sales information for the products accused of infringing the ’450 patent for the period beginning two years prior to the expiration of the ’450 patent until the expiration of the patent.

¹ The parties may amend preliminary infringement contentions and preliminary infringement invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so reasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

	To the extent any such accused products are also accused of infringing any other patent-in-suit, summary annual sales information for those accused products will be produced for the prior two years in addition to the period described in the preceding sentence.
Thursday, April 30, 2020	Parties exchange claim terms for construction.
Thursday, May 14, 2020	Parties exchange proposed claim constructions.
Friday, May 29, 2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
Friday, June 5, 2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
Wednesday, July 1, 2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
Wednesday, August 5, 2020	Parties file Responsive claim construction briefs.
Friday, August 28, 2020	Parties file Reply claim construction briefs.
Friday, September 4, 2020	Parties submit Joint Claim Construction Statement and consolidated briefing collated by Opening, Response, and Reply in Microsoft Word format. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
Friday, September 25, 2020	Markman Hearing at 9:00 a.m.
Friday, October 2, 2020	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Friday, November 6, 2020	Deadline to add parties.

Friday, November 20, 2020	Deadline to serve Final Infringement and Invalidity Contentions.
Friday, December 18, 2020	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
Friday, March 12, 2021	Close of Fact Discovery.
Friday, March 19, 2021	Opening Expert Reports.
Friday, April 16, 2021	Rebuttal Expert Reports.
Friday, May 7, 2021	Close of Expert Discovery.
Friday, May 14, 2021	Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.
Friday, May 21, 2021	Dispositive motion deadline and <i>Daubert</i> motion deadline.
Friday, June 4, 2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
Friday, June 18, 2021	Serve objections to pretrial disclosures/rebuttal disclosures.
Friday, June 25, 2021	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
Friday, July 2, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
Friday, July 9, 2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
To be set at the conclusion of the <i>Markman</i> hearing	Final Pretrial Conference. The Court expects to set the Pretrial Conference within 2-4 weeks of the trial date.
To be set at the conclusion of the <i>Markman</i> hearing	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

SIGNED this day of _____, 20____.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE